

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	10-368-01 (PGS)
	:	
v.	:	
	:	
CARLO GARCIA a/k/a CARLOS GARCIA,	:	
	:	
Defendant	:	
	:	<u>ORDER OF DEFAULT AND BOND</u>
	:	<u>FORFEITURE JUDGMENT</u>
DENISE FIGUEROA, LENI RIJO, and	:	
CARLOS GARCIA, JR.,	:	
	:	
Sureties	:	

This matter having come before the Court on the application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Zahid N. Quraishi, Assistant U.S. Attorney, appearing), on a Notice of Motion for Default and Bond Forfeiture Judgment; defendant Carlos Garcia being a fugitive and having received notice of this Motion through his attorney of record, Wanda M. Akin, Esq.; sureties Denise Figueroa, Leni Rijo and Carlos Garcia, Jr., having received notice through the district clerk; the Court having considered the record in this matter; and for good and sufficient cause shown, pursuant to Rule 46 of the Federal Rules of Criminal Procedure;

IT IS THE FINDING OF THIS COURT that the United States' motion should be granted for the following reasons:

(1) On or about October 28, 2009, bail was set in the above-entitled action for defendant Carlos Garcia at \$250,000 by the Honorable Michael A. Shipp in the District of New Jersey;

(2) On or about October 28, 2009, in the District of New Jersey, Defendant Carlos Garcia through his former attorney, Wanda M. Akin, Esq., Denise Figueroa, the defendant's girlfriend, Leni Rijo, the defendant's cousin, and Carlos Garcia, Jr., the defendant's son, obligated themselves in the amount of \$100,000, which bail was partially secured by \$6,000 cash. The conditions of the bond provided that the defendant was to restrict his travel to the District of New Jersey; surrender all passports and travel documents to pretrial services; report to pretrial services as directed; maintain or actively seek full-time employment; not commit any offense in violation of federal, state or local law; be subject to electronic monitoring with release approved by pretrial services; and undergo drug and alcohol treatment if deemed necessary; and if the defendant failed to perform these conditions, payment of the bond would be due forthwith. A condition also designated that the defendant's girlfriend, Denise Figueroa, shall act as Third Party Custodian;

(3) Defendant Carlos Garcia left his residence on April 3, 2011, as indicated by the electronic monitoring equipment furnished by pretrial services, and has not reported to pretrial services since that date and time;

(4) By order of this Court dated February 15, 2011, Defendant Carlos Garcia was sentenced to 46 months imprisonment to be followed by 3 years of supervised release. The defendant was further scheduled to surrender for service of sentence on April 4, 2011;

(5) Defendant Carlos Garcia breached the conditions of his release and on or about April 3, 2011, the Court issued a warrant for his arrest. The warrant remains outstanding;


(6) Carlos Garcia, Denise Figueroa, Leni Rijo, and Carlos Garcia, Jr., have received notice of the United States' motion through their agent for service, the District Clerk for the District of New Jersey; and

(7) No party has opposed the United States' motion.

WHEREFORE, IT IS on this 6 day of April, 2011

ORDERED that pursuant to Crim. R. 46(f) and Title 18, United States Code, Section 3146(d), a Default and Bond Forfeiture Judgment is hereby entered against defendant Carlos Garcia and sureties Denise Figueroa, Leni Rijo and Carlos Garcia, Jr., in the amount of \$100,000. The United States shall have and recover from Carlos Garcia, Denise Figueroa, Leni Rijo, and Carlos Garcia, Jr., jointly and severally, judgment in the amount of \$100,000, with interest thereon at the legal rate as provided by law; and it is further

ORDERED that the \$6,000 cash security deposited in the Registry of the Court be forfeited and applied as payment towards the \$100,000 judgment as against surety Denise Figueroa.



HON. PETER G. SHERIDAN
United States District Judge